

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAKENZIE PAULY, et al.,

Plaintiffs,

v.

STANFORD HEALTH CARE,

Defendant.

Case No. [18-cv-05387-SI](#)

**ORDER SCHEDULING MAY 21, 2021
CASE MANAGEMENT CONFERENCE**

On August 31, 2018, plaintiffs Makenzie and Fazia Pauly, *pro se*, filed a complaint against defendant Stanford Health Care alleging ten causes of action¹ arising from defendant's alleged failure to properly screen ten-year-old Makenzie Pauly after an exploratory laparoscopic surgery and appendectomy. Dkt. No. 1. On September 27, 2018, defendant filed a motion to dismiss. Dkt. No. 8. On April 19, 2019, the Court granted in part and denied in part defendant's motion to dismiss and ruled accordingly:

First - Fifth Causes of Action (EMTALA – Fazia Pauly & Makenzie Pauly)

--GRANTED with prejudice as to Fazia Pauly

--DENIED as to Makenzie Pauly

Sixth Cause of Action (Negligent Infliction of Emotional Distress – Makenzie Pauly)

--GRANTED with prejudice

Seventh - Ninth Causes of Action (NIED and IIED – Fazia Pauly)

--GRANTED with prejudice

Tenth Cause of Action (Abuse of Process – Fazia Pauly &

¹ The complaint asserted the following: 1st-5th causes of action for violation of Emergency Medical Treatment and Active Labor Act ("EMTALA"); 6th cause of action for Negligent Infliction of Emotional Distress ("NIED"); 7th-9th cause of action for NIED and Intentional Infliction of Emotional Distress ("IIED"); and 10th cause of action for abuse of process. Dkt. No. 1 at 9-26.

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Makenzie Pauly)

--GRANTED with prejudice as to Fazia Pauly

--GRANTED without prejudice as to Makenzie Pauly

Dkt. No. 32 at 8. The Court ordered any amended complaint to be filed by May 3, 2019. *Id.* On March 10, 2020, the Ninth Circuit affirmed the Court's Order Denying in Part and Granting in Part Defendant's Motion to Dismiss. Dkt. No. 53.

Since the Ninth Circuit's order, plaintiffs have not filed an amended complaint and defendant has not filed any motion. Accordingly, the Court hereby orders the parties to attend a case management conference on May 21, 2021. The parties will submit a joint case management statement no later than May 14, 2021.

IT IS SO ORDERED.

Dated: May 6, 2021



SUSAN ILLSTON
United States District Judge